

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

David Dewar,)	
)	
<i>Pro se</i> Plaintiff,)	Case No. 16 CV 2287
)	
v.)	District Judge Virginia Kendall
)	
Chicago Police Department and Chicago)	Jury Demand
Police Officers T.J. Felmon, M.K. Devine)	
and C.J. Long,)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendant Chicago Police Officers Felmon, Devine, and Long (collectively “Defendants”), by and through one of their attorneys, Kelly C. Bauer, Assistant Corporation Counsel, hereby move pursuant to Federal Rule of Civil Procedure 56 for summary judgment in their favor and against Plaintiff on his Complaint. In support thereof, Defendants state as follows:

1. Plaintiff seeks to hold Defendants liable for alleged damages arising from his arrest on February 17, 2014, which he claims violated his constitutional rights. (Defendants’ Local Rule 56.1(a)(3) Statement of Undisputed Material Facts (“SOF”) at ¶ 3.)

2. Specifically, Plaintiff alleges that Defendants falsely arrested him, coerced Plaintiff to provide a false confession, failed to provide him with his Miranda rights, and conspired to violate his constitutional rights. (SOF at ¶ 3.)

3. Defendants move for summary judgment on Plaintiff’s false arrest claim because the undisputed facts in this action as set forth in Defendants’ Local Rule 56.1(a) Statement of

Uncontested Material Facts, filed under separate cover, establish that Plaintiff's arrest was permissible under the law.

4. Defendants move for summary judgment on Plaintiff's coercion to provide a false confession claim, because the undisputed facts in this action as set forth in Defendants' Local Rule 56.1(a) Statement of Uncontested Material Facts, filed under separate cover, establish that Plaintiff did not provide a false confession and therefore, no constitutional rights were violated.

5. Defendants move for summary judgment on Plaintiff's failure to provide Miranda rights because the undisputed facts in this action as set forth in Defendants' Local Rule 56.1(a) Statement of Uncontested Material Facts, filed under separate cover, establish that Plaintiff did not provide a confession and therefore, no constitutional rights were violated.

6. Defendants move for summary judgment on Plaintiff's conspiracy claim because the undisputed facts in this action as set forth in Defendants' Local Rule 56.1(a) Statement of Uncontested Material Facts, filed under separate cover, establish that Plaintiff's constitutional rights were not violated and therefore, Defendants could not have conspired to do so.

7. If this motion is granted, all of Plaintiff's claims would be dismissed and Plaintiff's lawsuit would be disposed of in its entirety.

WHEREFORE, for the reasons set forth above and those in Defendants' memorandum in support of this motion, Defendants respectfully request that this Court enter judgment in their favor on all of Plaintiff's claims against them.

Respectfully Submitted,

/s/ Kelly C. Bauer

KELLY C. BAUER

ASSISTANT CORPORATION COUNSEL

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CERTIFICATE OF SERVICE

I hereby certify that on May 30, 2018, I submitted with the Clerk for the Northern District of Illinois using the Court's electronic filing system or ECF **DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** and thereby provided a copy of same to Plaintiff listed below:

Mr. David A. Dewar
11347 S. Millard Ave.
Chicago, IL 60655
(via CM/ECF System)

By: /s/ Kelly C. Bauer
Kelly C. Bauer
Assistant Corporation Counsel